

UNIDROIT News

➤ *UNIDROIT : Official Visit* ◀

UNIDROIT VISIT TO BUDAPEST, HUNGARY – 9-11 OCTOBER 2002

On the occasion of the 75th Anniversary of UNIDROIT, the Hungarian authorities organised an official visit to Budapest from 9-11 October 2002, acting on the initiative of Professor Attila HARMATHY, Judge at the Constitutional Court of Hungary, and alternate member of the UNIDROIT Governing Council. The visit was placed under the auspices of the President of the Hungarian Republic, Professor Ferenc MADL, appointed member of the UNIDROIT Governing Council, who gave a warm welcome to the UNIDROIT representatives: Professor Herbert KRONKE, Secretary General, and Ms Frédérique MESTRE, Research Officer, as well as Mr Michael Joachim BONELL, Professor at the Faculty of Law of the University of Rome I "La Sapienza", UNIDROIT Consultant.

An official ceremony was conducted in the Ceremonial Hall of *Eötvös Loránd* University, attended by a selected number of Professors of the Law Faculty and the Deans of Hungary's law faculties. Addresses were given by the president of the Law Faculty, Professor Barna MEZEY and the Rector of the University, Professor Istvan KLINGHAMMER, followed by a lecture by Professor Kronke. A series of lectures on the activities of UNIDROIT had been dispensed to postgraduate students at the Law Faculty, and as a token of its gratitude, UNIDROIT donated the collection of *Uniform Law Review*, New Series, to the Law Faculty's Department of Civil Law.

At the invitation of Ms Eva Horvath, President of the *Arbitration Court attached to the Hungarian Chamber of Commerce and Industry*, a debate was organised with arbitrators and international commercial arbitration specialists which in essence centred on the application of the *UNIDROIT Principles of International Commercial Contracts*.

Meetings were also held at the *Central European University*, with Professors Stephan MESSMANN, Csilla Kollonay LECHOCZKY and Tibor VARADY.

This visit, which took place in an atmosphere of genuine friendship and generous hospitality, afforded an opportunity for a highly fruitful exchange of views and confirmed the very high quality of existing co-operation links between the Hungarian authorities and UNIDROIT.

➤ *UNIDROIT Principles of International Commercial Contracts* ◀

EXPRESS REFERENCES TO THE UNIDROIT PRINCIPLES IN THE MODEL CONTRACTS PREPARED BY INTERNATIONAL ORGANISATIONS

The UNIDROIT Principles now appear to be systematically recommended in the applicable law clause of the model contracts of the International Chamber of Commerce, thereby offering the parties another option besides designating the law of a given country.

The *ICC Model Commercial Agency Contract, 2nd Edition* (ICC Publication 2002 No. 644), Article 24.1.A, and the *ICC Model Distributorship Contract – Sole Importer – Distributor, 2nd Edition* (ICC Publication 2002 No. 646E), Article 24.1.A, include an identical provision worded as follows:

“Any questions relating to this contract which are not expressly or implicitly settled by the provisions contained in this contract shall be governed, in the following order:

- a) by the principles of law generally recognized in international trade as applicable to international [agency] [distributorship] contracts,
- b) by the relevant trade usages, and
- c) by the UNIDROIT Principles of International Commercial Contracts,

with the exclusion ... [of mandatory provisions] ¹

while the text of the Principles' rules is reproduced in full as an Annex to these two model contracts.

It will be recalled that similar reference was made in Article 13(1) of the *Model Occasional Intermediary Contract (non-circumvention & non-disclosure agreement)* (ICC Publication No. 619, 2000) and in Article 32 of the *Model International Franchising Contract* (ICC Publication No. 557, 2000) of the International Chamber of Commerce as well as in Article 14 of the *Model Contract for the International Commercial Sale of Perishable Goods* issued by the International Trade Centre UNCTAD/WTO (ITC) in 1999.²

➤ *The UNIDROIT Library* ◀

From the very moment when UNIDROIT was first established, one of its priorities was to set up an international, legal documentation centre to provide a basic working instrument for the research and studies it was about to tackle. From its initial function as a simple support for the scientific and legislative activities of UNIDROIT, the Library has grown into one of the foremost legal documentation centres in Europe.

THE LIBRARY HOLDINGS

The holdings of the UNIDROIT Library currently consist of over 240.000 volumes and some 450 current legal periodicals from a wide range of countries, covering the main areas of private law (in particular, commercial law, private comparative law, private international law and international trade law) and, albeit to a lesser extent, other branches of the law (intellectual property law, public law, economic law, as well as Roman and canon law and legal bibliography). Although many of the bibliographical sources are available in their original language, most of them are in English and French, as well as German, Italian and Spanish.

¹ *Model Commercial Agency Contract, 2nd Edition*, ICC Publication No. 644 – ISBN 92.842.1313.4 and *Model Distributorship Contract – Sole Importer-Distributor, 2nd Edition*, ICC Publication No. 646 – ISBN 92.842.1315.0. Published in their official English and French versions by the International Chamber of Commerce. Copyright © 2002 – International Chamber of Commerce (ICC), Paris. Available from ICC Publishing S.A., 38 Cours Albert 1er, 75008 Paris (France) or < www.iccbooks.com > .

² See *Unif. L. Rev. / Rev. dr. unif.*, 2000, 266-268 and 2001, 318.

Special attention has been given to the collection of legislation and case law – particularly as regards private law – of all European countries as well as the USA, Canada, some Latin American and African countries, Australia, Japan, India and others.

The UNIDROIT Library is a depository library for United Nations official records and sales publications. Besides UNIDROIT documents, the library also contains the documentation of international organisations including the League of Nations, the International Labour Organisation, the International Maritime Organisation, the Council of Europe, the Organisation of American States, the Nordic Council and the Hague Conference on Private International Law.

The Gorla Collection

In 1987, Professor Gino Gorla, formerly Professor of Comparative Law at the University of Rome "La Sapienza", donated to the UNIDROIT Library the collection of antique volumes he had built up to serve as a support for his research on case law in Europe from the 17th to the early 19th century. This collection of over 550 titles (comprising about 900 volumes) is made up of treatises, commentaries, collections of decisions, resolutions, consilia, responsa, allegationes and controversiae forenses. Most of the volumes were published in Italy, although many come from France, Spain, Germany, Belgium, England and the United States of America. Professor Gorla's collection also comprises a number of 17th to early 19th century books dealing specifically with commercial law and maritime law. The catalogue of the Gorla collection may be visited on the UNIDROIT website: <http://www.unidroit.org/english/library/gorla/main.htm>

Online catalogue, databases and cyberspace

An online catalogue (Intranet) has been under preparation since 1998, and a significant part of the library collection is now accessible online. A list of current periodicals as well as lists of recent acquisitions are available on the Library Intranet homepage.

The Library provides access to various legal information and other databases: electronic information sources such as Westlaw, Hein-on-Line, Deagostini Professional, Eur-lex, etc. Another important source for reference materials is a consolidated *uniform law bibliography* as published in *Uniform Law Review* as of 1994-1995.

Network computers are installed in the reading rooms and the catalogue hall. The workstations provide access to the Internet, although its use is limited to legal or bibliographical research.

Visiting researchers at the Library – Scholarship opportunities

The UNIDROIT Library is an invaluable resource both for those involved in the legislative activities of UNIDROIT and for visiting researchers. Italian and foreign law professors and students are welcome to carry out individual research in the library, upon acceptance of a formal request sent to the Head of the Research Programme (indicating the subject of the research). Such acceptance may be used by applicants with a view to obtaining financial support from outside donors or their institutions of origin for the duration of their stay in Rome. Special consideration is given to research projects focused on past or current legislative activities of UNIDROIT, for which extensive sources are available (unification of law – in general, regional, internal –, international commercial transactions: contracts in general – e.g. the

UNIDROIT Principles of International Commercial Contracts – and specific contracts – sales, factoring, leasing, franchising, agency, secured transactions etc. –, transport law, tourism law, civil liability, family law, dispute settlements, cultural property law, private international and procedural law, international capital markets).

A scholarships scheme has been developed for top-level lawyers from developing countries or countries in economic transition, and in the ten years since it was set up (1993), 110 researchers from some 50 countries³ have been invited to conduct research at UNIDROIT. This scheme is in line both with the Library's natural function as a research centre, and with the need to promote the institutional goals of the Organisation as part of its legal co-operation concerns. The scholarships (average duration two – three months) are largely funded by outside donors – mostly Governments – who make generous contributions on a voluntary basis. The grant covers part or all of the cost of living in Rome for the designated period, but beneficiaries are in principle expected to meet their own travel expenses. Candidates are selected (by the Scholarships Committee or by the Secretary-General acting on its behalf) on the basis of several criteria, in particular the candidates' degree of qualification (national civil servants, practising lawyers, graduate or post-graduate level academics), the nature of their research projects – which must be in keeping with UNIDROIT's statutory aims –, with preference given to subjects which fit in with the Organisation's work programme and their potential for practical application in the candidates' countries of origin. Projects relating to the drafting of national laws or which aim at promoting the adoption of uniform law instruments in the scholars' countries of origin are given especial attention. A good working knowledge of English and/or French is indispensable (further information regarding application conditions (presentation and application form) are available on the UNIDROIT website).

The UNIDROIT Library is not only a research centre but also serves as a meeting-point for people and legal cultures, which benefit greatly from exposure to the legislative drafting work undertaken by UNIDROIT for the last 75 years, in the unique setting that is Villa Aldobrandini, in the heart of Rome.

³ Information is provided on a regular basis in the UNIDROIT News section of the *Uniform Law Review* concerning the implementation of the Scholarships Research Programme listing beneficiaries, their research projects and the donor for each individual scholarship.